

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 002838

SIPDIS

DEPT FOR EUR/ERA, STATE PLEASE PASS DOJ FOR BURROWS AND
SWARTZ, PLEASE PASS DHS FOR A/S VERDERY AND U/S HUTCHINSON

E.O. 12958: DECL: 07/01/2014

TAGS: [PREL](#) [PGOV](#) [PINR](#) [EUN](#) [USEU](#) [BRUSSELS](#)

SUBJECT: EUROPEAN PARLIAMENT PRESIDENT'S CALL ON AMBASSADOR
SCHNABEL

REF: A. A) LISBON 1047

[1](#)B. B) BRUSSELS 2794

[1](#)C. C) USEU TODAY 06/28/04

[1](#)D. D) BRUSSELS 2518

[1](#)E. E) BRUSSELS 2360

Classified By: USEU POLOFF TODD HUIZINGA, FOR REASON 1.4 (B) AND (D)

[1](#)1. (C) SUMMARY: In a June 30 call on Ambassador Schnabel, outgoing European Parliament (EP) President Pat Cox defended his decision to ask the European Court of Justice (ECJ) to annul the U.S.-EU agreement on PNR data sharing, and denied that his press statement on that decision, released in Ireland on the eve of the Dublin U.S.-EU Summit, was unduly critical of the U.S. Cox also discussed Portuguese Prime Minister Jose Manuel Durao Barroso's "good, but not certain" chances of receiving EP approval of his appointment as European Commission President (ref C). Cox said Barroso would spend much of July drumming up EP support, concentrating on the Socialist Group (PES) and the Liberal Democrats (ELDR), both of whom were likely to play "hard to get." The EP vote on Barroso's nomination -- which we expect Barroso will win -- is scheduled for July 22. END SUMMARY.

PNR: COX DEFENDS HIS DECISION

[1](#)2. (SBU) Ambassador Schnabel told Cox his announcement that he would initiate an ECJ challenge to the U.S.-EU PNR deal hours before the President's arrival in Ireland, as well as his calling U.S. Homeland Security efforts &extraterritorial8 was poorly received in Washington. On the timing Cox said that given the vote of the EP Legal Affairs Committee the previous week, he, as EP President could either decide to announce the Parliament's demands when he did or wait to bring the matter again before the next EP plenary session the week of July 20-23 (which will be the newly elected EP's first plenary session). He had spoken with party leaders, none of whom had changed their decision, and decided it would be better to announce the action when he did rather than open a new plenary debate at the next session involving many new members who would be very unfamiliar with the issue, as well as a crush of new business including the selection of new committees and the votes on the new Commission and Parliament Presidents.

[1](#)3. (SBU) Cox defended his use of the term &extraterritorial8 as an accurate description of U.S. legislation that was also completely justified, and he added that European data protection legislation was just as extraterritorial. Completing the defense he called for improved legislator-to-legislator dialogue to provide early warning on issues such as this, perhaps through the Transatlantic Legislators Dialogue.

[1](#)4. (SBU) On the case itself, Cox contradicted reports USEU has received from Commission, Parliament, and Council lawyers by noting that the Parliament's best chance for success comes from its action against the Council for concluding the International Agreement with the U.S. as part of the PNR deal.

BARROSO STILL FACES EP HURDLE

[1](#)5. (SBU) Cox then moved on to an analysis of Jose Manuel Durao Barroso's chances of receiving EP confirmation as Commission President. The requisite EP approval of his appointment, by a simple majority vote, is scheduled for July [1](#)22. Barroso, from the center-right, will likely receive nearly unanimous approval of the largest party group, the center-right European People's Party (EPP-ED), which will have approximately 279 members, or 38 percent of the 732 EP seats. (NOTE: Negotiations on party group membership are ongoing -- each party group's number of seats could change as a result; negotiations will probably continue until sometime in mid-July. END NOTE.) However, leaders of the EP Socialist Group (PES), the second largest party group in the EP with an estimated 199 seats (27 percent), have publicly

criticized Barroso's nomination. They have said the PES would vote on the basis of Barroso's qualifications for the job, and that Barroso does not appear to meet those qualifications. Members of the third largest party group, the Liberal-Democrats (ELDR), which will form the core of a new "centrist" group called "Alliance of Liberals and Democrats for Europe" of approximately 80 seats (11 percent) after party realignment negotiations are finished (refs D-E), have also expressed misgivings about Barroso.

16. (C) Cox said that both the PES and the ELDR would play "hard to get" for a while, but that most of the members of these groups would likely end up voting for Barroso. Cox said Barroso would meet with EP party groups and their leaders in Brussels during the week beginning July 12. On July 15, Barroso, Cox and EP leaders will be in The Hague to kick off the Dutch EU presidency. There, Cox said, he might arrange further meetings between Barroso and EP leaders. Cox said he expected Barroso to gain significant support within the PES and the ELDR as a result of both the Brussels and the Hague meetings. Cox said he expected the PES ultimately to support Barroso for two reasons: (1) there will be pressure to do so from center-left heads of government, such as German Chancellor Gerhard Schroeder, who support Barroso; and (2) the PES will likely cut a deal with the EPP-ED on the EP presidency, with a PES member becoming EP President for the first half of the coming five-year term; this deal will make it difficult for the PES to turn around and refuse to support Barroso, the EPP-ED candidate for Commission President. The ELDR, said Cox (who is himself an ELDR member), may prove a tougher nut to crack. Cox said the fourth and fifth largest groups in the EP, the Greens and the far-left EUL/NGL (with an estimated total of 79 seats -- 10.8 percent) are likely to vote against Barroso.

BARROSO'S FRANCO-GERMAN CHALLENGE

17. (C) Cox also commented on Germany's and France's attempts to claim specific Commission portfolios. Cox lauded Barroso's response that the assignment of Commission portfolios would be his (Barroso's) decision, despite the German push to appoint Guenter Verheugen (current Enlargement Commissioner) as "super Commissioner" for economic reform, and France's desire to give Jacques Barrot (current Commissioner for Regional Policy) the Competition portfolio. Cox said that, with the Franco-German push publicly known, Barroso now already faced a crucial first challenge to his authority: he would be seen as being "in the Franco-German pocket" if he acquiesced.

COX ON VERHOFSTADT, PATTEN AND EU "JIHADISTS"

18. (C) Cox said the aspirations of Belgian Prime Minister Guy Verhofstadt and outgoing External Relations Commissioner Chris Patten for the Commission presidency had been doomed from the start by the "jihadist" way the EU goes about choosing a Commission President. He said Verhofstadt's misfortune was being known as the Chirac-Schroeder candidate -- the UK would not accept that; Patten, as the UK alternative to Verhofstadt, met with the inevitable rejection of France and Germany. Thus, said Cox, "they both had to be taken out back and shot." Cox said he had talked to both men during their "candidacies." Verhofstadt, said Cox, fully expected to get the nod. Verhofstadt was "devastated" when his candidacy was rejected. Patten, on the other hand, was a "very relaxed" candidate who allowed others to throw his hat into the ring but never expected, nor necessarily wanted, to get the job.

19. (C) COMMENT: On PNR, Cox was probably correct when he told the Ambassador he had limited ability to affect the decision to take our PNR deal to the ECJ, but his criticism of U.S. Homeland Security policy as "extraterritorial," as well as his choice of the place and timing of the announcement were clearly under his personal control. On Barroso, we share Cox's analysis. We believe that Barroso will be approved by the Parliament, and that his handling of the Franco-German push for key Commission portfolios will be an initial acid test of his Commission presidency. END COMMENT.

SCHNABEL